

AMENDMENTS TO THE DRAWINGS

Replacement sheets for Figs. 3, 5 and 6 are appended hereto, wherein spelling errors have been corrected. Specifically, with respect to Fig. 3, in S23, “dealy” is corrected to read --delay--; in S24, “determen” is corrected to read --determine--; and in S25, “srore” is corrected to read --store--. With respect to Fig. 5, “mesage” is corrected to read --message--. In Fig. 6, “beneratin” (45) is corrected to read --generating-- and “dealy” (47) is corrected to read --delay--.

Attachments: Three (3) replacement sheets for Figs. 3, 5 and 6. In addition, copies of sheets containing Figs. 1A, 1B, 2 and 4 are attached.

REMARKS

I. Formal Matters:

Claims 1-7 are currently pending in this application. Applicant thanks the Examiner for returning initialed copies of Forms PTO-1449 submitted with Information Disclosure Statements on November 20, 2003; February 24, 2003; and January 29, 2003. In addition, Applicant thanks the Examiner for acknowledging the claim to priority under 35 U.S.C. §119 and confirming receipt of the priority document. Applicant acknowledges receipt of the amended Office Action, received via facsimile on November 10, 2004. The amended Office Action provides for a shortened statutory period for reply set to 3 months from the mail date (October 22, 2004) of the original Office Action.

II. Claims:

Claims 1, 3, and 6 have been rejected under 35 U.S.C. §112, 2nd paragraph, as being indefinite. These claims have been amended to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Accordingly, withdrawal of the 35 U.S.C. §112, 2nd paragraph, rejection of claims 1, 3 and 6 is now believed to be in order.

Claim 1 is rejected under the judicially created obviousness-type double patenting as being unpatentable over claims 1-3 and 11 of *Nakada*, U.S. Patent No. 6,751,465 (*Nakada '465*).

A propagation delay time identifies distance, not the position or direction of the incoming signal as disclosed in *Nakada '465*. *Nakada '465* neither teaches nor suggests storing propagation delay times for terminals that were rejected access in its disclosed system. For failing to teach or suggest at least the element of propagation delay times, Applicant asserts that the alleged obviousness-type double patenting rejection of claim 1 over *Nakada '465* should be withdrawn.

Withdrawal of the obviousness-type double patenting rejections over *Nakada '465* of claims 2 and 3 is believed to be in order as depending from an allowable independent claim.

Claim 5 is amended in accordance with the Examiner's suggestion as set forth in numbered paragraph 1 on page 2 of the Office Action. Accordingly, withdrawal of the objection to claim 5 is respectfully requested.

Claim 5 is rejected under obviousness-type double patenting as being unpatentable over claims 5-7 and 1 of *Nakada '465*. Random access is allowed on the basis of correlation and a propagation delay time, in contrast to *Nakada '465*, where access is determined by an incoming angle, a direction, or by position relation data (*Nakada '465*, col. 5, lines 18-28). *Nakada '465* neither teaches nor suggests using propagation delay times as a basis for rejecting access (claims 1 and 5-7). For failing to teach or suggest at least the element of propagation delay times as a basis for rejecting access, Applicant asserts that the obviousness-type double patenting rejection over *Nakada '465* should be withdrawn.

Withdrawal of the obviousness-type double patenting rejections over *Nakada* '465 of claims 6 and 7 is believed to be in order as depending from an allowable independent claim.

Claims 1 and 2 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Ishii*, U.S. Patent Publication No. 2001/0041573 (*Ishii* '573) in view of *Miura*, EP 0982871 A2 (*Miura* '871). *Ishii* '573 discloses a system and method for improved detection of preamble signals. Additionally, *Ishii* '573 discloses the use of signal-to-power interference ratio after RAKE combining as a determinant to acknowledge or reject message transmission. *Ishii* '573 neither teaches nor suggests a means for tracking rejected signals. *Ishii* '573 neither teaches nor suggests the storage of propagation delay times for terminals, which received signals for rejecting random access (*Applicant*'s claims 1 and 2).

Miura '871 discloses a CDMA method and a CDMA receiver which suppress signal deterioration of a signal obtained by RAKE synthesis. *Miura* presets a plurality of different reference reception delay amounts, irrespective of whether a signal is transmitted or rejected (*Miura* '871 [0011]). *Miura* evaluates measured interference wave levels to determine whether detected signals are synthesized (*Miura* '871 [0011]). *Miura* '871 neither teaches nor suggests the storage of propagation delay times for terminals, which received signals for rejecting random access.

A proper claim rejection on §103(a) obviousness grounds provides that there is an explicit or implicit motivation to combine references, and that the combination suggests or teaches all claim limitations (MPEP §§2143.01-2143.03). First, neither *Ishii* '573 nor *Miura* '871, nor their combination, teaches or discloses the storing of propagation delay times for terminals, which received signals for rejecting random access. Since neither reference teaches or suggests at least the storage of propagation delay time, there is no motivation to combine. Applicant respectfully asserts that at least for failing to teach or suggest the element of storing propagation delay times for terminals, which received signals for rejecting random access, the alleged §103(a) obviousness rejection is improper and should be withdrawn.

Claims 1 and 2 are also rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Ishi* and *Nakamura*, U.S. Patent Publication No. 2001/0008524 (*Nakamura* '524) in view of *Miura*, EP 0982871 A2 (*Miura* '871). The Examiner acknowledges that *Nakamura* '524 fails to disclose storing the propagation delay times for terminals, which received signals for rejecting random access. The Examiner alleges that *Miura* '871 provides the necessary disclosure to overcome the acknowledged deficiency of *Nakamura* '524. Accordingly, Applicant asserts the same arguments for a missing element as presented above for the §103(a) rejection of claims 1 and 2 over *Ishii* '573 in view of *Miura* '871. Applicant respectfully asserts that at least for failing to teach or suggest the element of storing propagation delay times for terminals, which received signals for rejecting random access, the alleged §103(a) obviousness rejection is improper and should be withdrawn.

Claims 5 and 6 are also rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over *Nakamura '524* in view of *Miura '871*. Neither *Nakamura '524* nor *Miura '871* discloses the element of storing propagation delay times for terminals, which received signals for rejecting random access. Applicant respectfully asserts that at least for failing to teach or suggest the element of storing propagation delay times for terminals, which received signals for rejecting random access, the §103(a) obviousness rejection is improper and should be withdrawn.

Dependent claims 3, 4, 6 and 7 are believed to be in condition for allowance as depending from an allowable independent claim.

In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is kindly requested to contact the undersigned attorney at the local telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.111
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The USPTO is directed and authorized to charge all required fees (except the Issue/Publication Fees) to our Deposit Account No. 19-4880. Please also credit any over-payments to said Deposit Account.

Respectfully submitted,


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